

Minutes of the Regular Agenda Meeting of the Mayor and Council of the City of South Tucson, Arizona, held Tuesday, January 17, 2023, at 6:00 p.m., at the City of South Tucson Council Chambers, 1601 S. 6th Avenue, South Tucson, Arizona.

Staff Present: Veronica Moreno, Interim City Manager
 Lourdes Aguirre, Finance Director
 Danny Denogean, Public Safety Director and Chief of Police
 Betty Villegas, Director, Exec Housing & Community Development
 Angel Lopez, Public Works Director
 Josue Licea, Planning and Zoning Director
 Jon Paladini, City Attorney

Councilors Present: Mayor Paul Diaz (Absent)
 Vice Mayor Herman Lopez
 Acting Mayor Rita Rogers
 Councilor Anita Romero
 Councilor Cesar Aguirre
 Councilor Brian Flagg
 Councilor Roxanna Valenzuela

Others Present: Billy Peard, Resident
 Daniel Torres, Non-Resident
 Ed Beltran, Resident
 Andy Luna, Non-Resident

Vice Mayor Lopez called the Regular Agenda Meeting to order at 6:00 p.m. Please stand for the Pledge of Allegiance, and Land Acknowledgment and Mission Statements.

ITEM #03 – LAND ACKNOWLEDGMENT AND MISSION STATEMENT

Vice Mayor Lopez: On behalf of South Tucson residents, we honor the Tribal Nations who have served as caretakers of this land from time immemorial and respectfully acknowledge the ancestral homelands of the Tohono O’odham Nation and the multi-millennial presence of the Pascua Yaqui Tribe within South Tucson. Consistent with the City of South Tucson’s commitment to diversity and inclusion, we strive toward building equal-partner relationships with Arizona’s Tribal Nations.

Acting Mayor Rogers: The Mission of the City of South Tucson is to build up this community through mutual cooperation between we, the public servants, and our citizens so that jointly we can build a safer and stronger Community. Amen.

ITEM #04 – ROLL CALL

Vice Mayor Lopez:
Mayor Diaz has requested an excused absence.
Acting Mayor Rogers. Here.
Councilor Aguirre. Here.
Councilor Romero. Here.

Councilor Flagg. Yes.
Councilor Valenzuela. Here.
Vice Mayor Lopez. Here.

Acting Mayor Rogers: Who's missing?
Vice Mayor Lopez: Mayor Diaz.

ITEM #05 – APPROVAL OF MINUTES

Vice Mayor Lopez: We have two of them, December 20th and one for January 3, 2023. What is the wish of the Council?

Acting Mayor Rogers: Mr. Mayor, on the first ones, I believe it's, let's see what one is it, December 20th. I made a call to the City here today. I don't know if you got it, Ms. Veronica, but on those particular ones, Tuesday, December 20th, there was a person that came, John Lashley, a non-resident, and he gave a big thing of what he would like to do to help us with our City, etc. And the Mayor wanted to be sure we had the paper he left about it in this particular set of Minutes. So that's on the set of Minutes for December 20, 2022. I personally didn't have them, so I don't know if you do. Do you have them? He passed them out, I guess.

Ms. Moreno: If I may, Vice Mayor, Councilor Rogers. I do have a copy of the letter he provided. I assumed by now you guys had seen it but maybe you didn't. Anyhow, since then, I did meet with him along with the Planning Director, and the building official and we were able to discuss the concerns that he had, as well as the ideas he had regarding recommendations to the City. As it pertains to the issue, those have now been addressed. The tenant he was concerned about is now in the process of getting his business license and as far as the other recommendations he had, I can make sure I get all of you a copy of the list he provided, the document you are referring to.

Acting Mayor Rogers: The document, yeah.

Vice Mayor Lopez: Ok, can I have a Motion for the Minutes?

Acting Mayor Rogers: I don't have any more additions.

Councilor Aguirre: Mayor, if I could. I would like to move to approve the Minutes as they are.

Acting Mayor Rogers: As corrected.

Councilor Aguirre: As corrected.

Vice Mayor Lopez: For December 20th?

Councilor Aguirre: Yes. And also for the other.

Vice Mayor Lopez: We've got to do one at a time.

Councilor Aguirre: So I move to approve the Minutes for December 20th, with the corrections being made.

Councilor Flagg: Second.

Vice Mayor Lopez: Ok, are there any questions or discussions? Ok, let's take a vote.

Vice Mayor Lopez:
Councilor Valenzuela. Aye.
Councilor Flagg. Aye.
Councilor Romero. Aye.
Councilor Aguirre. Aye.
Acting Mayor Rogers. Aye.
Vice Mayor Lopez. Aye. We approve the Minutes for December 20, 2022.

Vice Mayor Lopez: Let's move on to January 3rd, 2023.

Councilor Flagg: I'd like to move the Minutes for January 3rd.

Councilor Valenzuela: Second.

Councilor Valenzuela: Any discussion, any questions? Alright, let's put it to vote.

Vice Mayor Lopez:
Councilor Valenzuela. Aye.
Councilor Flagg. Yes.
Councilor Romero. Yes.
Councilor Aguirre. Aye.
Acting Mayor Rogers. Aye.
Vice Mayor Lopez. Aye.

CALL TO THE PUBLIC:

Ms. Aguirre: Mr. Vice Mayor, we have three speakers tonight. On the first card I've got here is for Mr. Billy Peard, address 120 E. 28th Street, he is a resident, and this is about Agenda Item #09.

Mr. Peard: Good evening, Mr. Vice Mayor and Council.

Vice Mayor Lopez: Good evening.

Mr. Peard: When I last came before you, you all were considering who to hire as a lawyer so congratulations on, first of all, what I wonderful step forward, and also wanted to congratulate Betty Villegas on advancing her agenda items this evening which I think will be very positive for the future of Housing Authority. But the reason I'm here this evening is with regard to Item #09, which is a proposed renewal of an existing IGA between the City of South Tucson and DEA, the Drug Enforcement Administration. I rise neither in support nor opposition to renewal of this particular IGA. I simply raise a couple points of interest, or points of concern to be considered by this Council. One is that although I fully appreciate that this community has a lot of issues that the DEA has specialization in, and I'm sure this community benefits from DEA's work especially in particular areas of this City. However, I will flag for all of you, historically, typically, the reason why a federal law enforcement agency tends to have the right to have local police imbedded within their units, is for one very important reason for the feds. Under Arizona State law, this has been the case since 1912, local and state law enforcement agents have authority to conduct traffic stops. Federal agents in Arizona typically do not. There are a few exceptions but purposes of tonight, ninety percent of federal law enforcement agents, whether it be DEA, whether it be Border Patrol, whether it be FBI, they do not have authority, legal authority, to conduct a routine traffic stop. Why am I getting into this? Because what happens is oftentimes federal

agencies when they engage local law enforcement officers, they do so because oftentimes they benefit from that ability to conduct traffic stops. Nowhere is that more true than in drug enforcement where, let's be honest, a lot of times you find large amounts of drugs in cars. And how do you find drugs in cars? By conducting what's called pretextual traffic stops. There's nothing illegal in and of itself, there's nothing illegal about a pretextual traffic stop as long as the original reason for that stop in and of itself was legit. It could be a cracked windshield, it could be an out taillight, what have you. But I raise the concern to say that in communities of color that's where federal agents like to have those arrangements the most. DEA does not seek out arrangements as happily and aggressively as in places like Oro Valley or Marana. And so what I encourage is to consider, my understanding is South Tucson does not have and I could be wrong, Chief Denogean will correct me later, I'm sure, but I believe they may not have a racial profiling policy on the books currently. And I will raise this as an opportunity for you all. In May of 2014, the ACLU threatened a lawsuit against the City of South Tucson. Now happily for the City of South Tucson, they were able to settle the matter without any monetary payment. And how did they settle it? They said there was a pretextual traffic stop that occurred in 2014 and that is what gave rise to this potential lawsuit. And the ACLU said, we don't care about the money, what we care about is you all doing the right thing and thinking through creatively on putting things in writing so that future racial disparities may not occur in the City of South Tucson. So I present that to you, that that was a happy resolution back in 2014 between South Tucson and the ACLU. Thank you.

Vice Mayor Lopez: Thank you.

Ms. Aguirre: Our next speaker is Mr. Daniel Torres. He is not a resident, and the topic is basketball tournament.

Mr. Torres: Hello, good evening.

Acting Mayor Rogers: Hello.

Vice Mayor Lopez: Good evening.

Mr. Torres: The Primavera Foundation, in collaboration with the House of Neighborly Services and Cocinita el Mundo is hosting a basketball tournament February 5th. There will be eleven teams in this tournament. Seven of the teams are local from the City of South Tucson. This is going to be a tournament that is completely free to the players with the jerseys included, and it's going to be a community event, so there will be vaccines, there will be acupuncture, blood pressure checking. It's also going to like be a health fair where people can go and receive resources and find out about new things that they might not have known about, so yeah, that's going to be February 5th.

Acting Mayor Rogers: Great. What time?

Mr. Torres: 11:00 a.m. to 5:00 p.m.

Acting Mayor Rogers: Thank you.

Councilor Flagg: And where?

Mr. Torres: The House of Neighborly Services.

Vice Mayor Lopez: Thank you, Mr. Torres.

Ms. Aguirre: The next speaker is Mr. Ed Beltran. He is a resident, address 220 E. 39th St., topic, Fire Department.

Ms. Beltran: Good evening. It's good to see everyone. A couple years back, my name is Ed Beltran, 220 E. 39th Street. Been a resident here for quite a while and Grace, as you know who usually comes to speak, couldn't make it here today. Unfortunately, she's not here. I know she's a far more eloquent speaker than I am, but I just wanted to share some things and some concerns about the Fire Department and why we need a Fire Department here in the City of South Tucson. A couple years back I was a board member for the Primavera Foundation and one of the things it did was it sent us to Columbus, Ohio, a lot of community leaders, on how to build a city. Vice Mayor Lopez, you were there. One of the topics was, to have a strong city you've got to have a good Fire Department and a good Police Department. On the eastside here, in the news a while back, they were talking about the growth that is happening on the eastside of Tucson. The first thing they talked about was, how can we give more resources to the Fire Department and Police Department. If we really want to have a successful city, we have a Fire Department. The contact with the Fire Department here is incredible. They know the residents well. A while back my mother-in-law was having some issues, the Fire Department came and took care of everything. The neighbors came out and they were so happy to see my mother-in-law was being taken care of by the Fire Department here. You know, Grace had mentioned at the last meeting about transparency, wanting to know exactly how much are we going to be saving, what's the actual amount that was given to the Fire Department for the last couple of years. You see, if it's something we can figure out on our own to keep our Fire Department. I truly believe that in order or South Tucson to be successful, we definitely need a strong Fire Department, as a Police Department. So I really hope that Council considers keeping our Fire Department. If anything, wait until we can see the finances. Let's see the finances, let's see how much we are going to save. Who are we going to be outsourced to? How much is that going to cost? I remember a couple years back when Chief Amado was here there was money for the Fire Department. What happened to that money that was supposed to be given to the Fire Department? Those are the things that I want to hear about. How much are we going to be saving? That's all I have to say. Thank you.

Vice Mayor Lopez: Thank you.

Acting Mayor Rogers: Thank you.

Ms. Aguirre: The final speaker is Andy Luna. He is not a resident, address 5328 S. Pineway, topic, Fire Department.

Mr. Luna: Good evening, Vice Mayor, Members of the Council. My name is Andy Luna and as you know, I've been here working for the Fire Department as the Fire Captain for the last 21 years. And I'm just up here once again to support you folks and what you are doing, especially in the manner of how you vote, or the motion was moved to explore options for the Fire Department. I believe there are many of them out there. For one, I offer my assistance any way I can to answer any questions you have concerning the Fire Department, and how we can move forward in keeping the Fire Department. So, in the past, in the recent past, there's been talk and mention of the Department as it is running now, it's unsustainable. And I believe that is probably true in the way that it is being run right now. So with that, I believe that we can do things and move forward to make it more sustainable. And one of the items is that I believe is huge is right now, if I'm not mistaken, and if these two positions are still in the budget, there are two open Fire Captain spots that are still in the budget, if I'm not mistaken. You can correct me if I am wrong there. But just getting those two folks on will be a huge building block for having the Department to be sustainable. So as I mentioned, as Mr. Beltran mentioned,

about medical services. That is one of the biggest things that our concern is, and the citizens are concerned about, is that we don't have our own Fire Department. Ninety-five percent of our calls are medical emergencies. And so with that, as has been mentioned in the past meeting, it means 20-30 minutes response time is what it is going to take. So if we are not on scene in the first three to five minutes doing CPR or keeping someone alive, then 20-30 minutes down the road, the expectancy of a good outcome is not good. So, whoever they contract that out with, it shouldn't just be for fire services, it should be for medical services as well. So my understanding right now is that AMR, which has a response time of 20-30 minutes, has a certificate of necessity that can only transport patients right now, as we stand right now. So with that, let's say we get rid of the Fire Department tomorrow, immediately those response times increase from three to five minutes to 20-30 minutes, and that is a different outcome, obviously, for residents and our City. So again, I offer my assistance any way that I can. If you have any questions for me, please contact me and I will be more than happy to help in any way I can. Thank you very much.

Vice Mayor Lopez: Thank you, Captain.

Acting Mayor Rogers: Thank you.

Ms. Aguirre: Mr. Vice Mayor, that was the last speaker we have tonight.

Vice Mayor Lopez: Ok, so move down to #06.

ITEM #06 - MAYOR AND COUNCIL MEMBERS: REPORTS OF CURRENT EVENTS; FUTURE AGENDA ITEMS

Vice Mayor Lopez: Any report of current events? Any information?

Acting Mayor Rogers: Nothing current.

Vice Mayor Lopez: Ok, let's move on to #07.

ITEM #07 - CITY MANAGER AND DEPARTMENT HEADS: REPORTS TO MAYOR AND COUNCIL;
DEPARTMENT HEAD INTRODUCTIONS

Ms. Moreno: Mr. Mayor, Members of the Council, and once again welcome City Attorney, Mr. Jon Paladini. He's had a full day here with us, he's been with us since 11:00 this morning. But for purposes of having formal introductions to Mayor and Council, I thought it would be important to give Jon an opportunity to introduce himself not only to you as well as those in the audience and then the Department heads. So I have every Department here that I get the pleasure to work with every single day and every subject matter they work under, but also to let them tell you in their own words what they do. All of you know me, I'm Veronica Moreno. I'm your Human Resources Director and City Clerk. I am currently your Interim City Manager. It's getting closer to three years that I've been in this role and the third time. So like I've said previously, I've told this Mayor and previous Mayors, I'm here to help. See me as a resource. I have almost 29 years of institutional knowledge, all from the City of South Tucson. I've worked in almost every capacity in Administration from front office clerk to permitting, to being the Mayor's liaison, Planning and Zoning, Flood Control, Public Works, H.R., City Manager. So once again, I offer myself to you in whatever you need, I offer myself to the City Attorney, and all Department heads, and also to those of you in the community that have questions, have concerns, I welcome you, too. Because like you, I was born and raised in the City of South Tucson, my birth certificate says South Tucson, so I have as much heart for South Tucson than anybody else in this room. I want the City to move forward. I want a Police Department. I want a Fire Department. I want a

Public Works Department. I want all of it and more. And I want it to be at optimal levels. With that being said, I will turn it over to the rest of the Departments. So we will start with the Chief.

Chief Denogean: Good evening, Vice Mayor and Councilmembers.

Vice Mayor Lopez: Good evening, Chief.

Chief Denogean: So the first topic I'm going to start off with is everyone's favorite subject here, the Fire Department. So the first thing I am going to start talking about the Fire Department is basically our fire trucks. Our fire trucks were made in 1996 and 2002. Basically, our fire trucks are 26 and 21 years old. The standards for a fire truck being in service should only be ten years. With both of our fire trucks, multiple times in the last four to six months, both fire trucks have been completely out of service. So we have had times where we haven't had service for the fire truck. We have been able to get into one of our pickup trucks and go out there and handle medical calls, but during that time we're not having a fire truck, we really can't handle fires. We have to depend on TFD for that, ok, and that's happened multiple times and to get a good, decent fire truck we're talking anywhere, \$200,000 - \$700,000, maybe more. That's a lot of money we're talking about there. Second issue I want to talk about, we have lots of issues we have to talk about with the Fire Department, is basically staffing. We have one full-time Captain, and approximately 30 reserve officers. So when you are dealing with that, every shift we're trying to put three firemen out there. National standards say basically you should have four firemen out there. We're trying to put three. There have been multiple times here in the last two months, since October, since November 1st, when we have not been able to staff, put staffing out for a shift. It's been multiple times. Just in January alone, on January 1st, we were not able to staff. We had to have TFD and had to have AMR cover us. Just here back on January 12th, we were able not to cover half of a shift, basically twelve hours of part of a shift because we didn't have the people to do it. There are many times during a month we're only sending two people out. The problem is when you have reserves and you are depending on them for your Department, you have basically, we have gone down a road of supplanting instead of supplementing. And that's not a way you run a Fire Department and it should never be that way. One thing that we have to understand is that firefighters, and our firefighters are all good people, good men and good women. And when they come here, there's not one of them I've met that doesn't care about the City of South Tucson and want to do the best when they are here. But the thing we have to understand is when we get reserves here, their first priority is to the primary Fire Department they work for. And with that primary Fire Department, if they get called in because every Fire Department out there is facing staffing issues. And if their primary Fire Department calls them in and says, hey, we need you to come fill our staff, they need to leave and go fill that staff. We are just out of luck at that point. And it happens more often than you think. And things we also have to remember is we get people who get sick. We are not out of pandemic yet, guys. We're still in a pandemic, so that hurts staffing considerably. So staffing, you can't ignore the issue here. We've gone down a road that we should never have gone down and now we can't really get our way out. In my opinion, this was a mistake many, many years ago when we started going down on this reserve program. You know, that is just my opinion, I don't know what the issues were back then, but it was a road I feel we should have never gone down. But the real thing about going down that road is because to save money because that is always the issue, finding finances and money. And unfortunately here in the City of South Tucson we don't have a lot of that. One of the last things I want to talk about with the Fire Department, even though we do have three, or even say four people, which is National standard, we are not equipped for a catastrophic event in the City of South Tucson. A catastrophic event is one of those events you hope you never have to go to. But I did when I was with the City of Tucson for 31 years. We have car accidents where

you see nine people dead. Fires with multiple people dead, multiple injuries. We are not equipped to handle a catastrophic event in the City of South Tucson. And that's something to keep in mind when considering whether you want to go with another, whatever we decide to do, you know, if we bring in another agency to provide services, that agency might be able to bring a full force and Department with them. And that's something we need to think about. There's a lot of issues and I know the people in this community appreciate the Fire Department and love them for some of the things they have done, but it all comes down to finances, people, and the finances aren't there for everything. Go ahead.

Councilor Flagg: So if you're saying it's all about financing, does that mean you think we might want to think about moving down the road to contracting with the City of Tucson?

City Attorney Paladini: Mr. Vice Mayor, I think this is more of a one-way presentation and we probably, if the Council is ready to talk about it, it just needs to be on an agenda so the full public can be aware of their intent.

Vice Mayor Lopez: Ok.

Chief Denogean: So the last thing I want to say is I know people, and this is in regard to the Fire Department, I know people don't like this word or don't want to hear this word, but we can't ignore the facts of the situation. When it comes to the Fire Department, we are in a crisis situation. We cannot kick this can down the road anymore. We can't keep pushing this thing down the road. We have to make immediate decisions and take immediate action. We can no longer go this way. That's my opinion.

Acting Mayor Rogers: Thank you.

Chief Denogean: Now I am going to talk about the Police Department side. So again staffing, staffing is always an issue. Right now on the Police Department side we have fourteen full time officers. We have seven reserves. Out of those fourteen full time officers, we still have two in training. So with those fourteen full time officers and reserves, basically what we are able to put out per shift is two persons per shift, sometimes three. We're getting a little bit healthier. The problem is it's still very minimal out there. Just this past Sunday we had a Sergeant on vacation, and we had two people call in sick on Sunday. And so that basically required my Commander to come in and work like a 15-hour shift just to ensure that we had two people per shift. Then you also have to remember in Police work is most calls aren't one person calls. Most calls are two people calls. You go to a domestic violence call, you go to an armed robbery, burglary, you need even more than that. You get one of those calls that takes both people on that call, and we're in the City of South Tucson, and plenty of things happen in the City of South Tucson. You have violent things happen in the City of South Tucson. And we get times where we have more than one of those types of calls going on. And when we only have two or three people, we don't have enough people for that. And that is something we need to take into account and remember. So that's staffing. Not only is staffing a problem for us, but our lack of experience is also a problem for us. Our lack of institutional knowledge is a problem for us. So basically right now with our staffing, I have three Sergeants. Two of the Sergeants are married to each other and will have twenty years this year. At least one of them for sure is going to retire and maybe the other one. That's two of our Sergeants with twenty years of experience. The other Sergeant has twenty years, thirteen, fourteen here in South Tucson, he did seven with TPD, he is in the drop. He can leave at any time, so those are our three Sergeants. It is critical that we have supervisory roles out there when we have the people. Right now we are down Sergeants, so we only have three. And then you have myself and the Commander. So then you are talking about the rest of the crew. So I have three officers who have five to seven years' experience, and then

the six other officers have less than two and a half years' experience. We are a very young and very inexperienced Police Department. So in the last several months I have been out in other areas. I've met officers who worked here in the City of South Tucson and are now working in Oro Valley, Marana, U of A Police Department, Pima Community College. They all loved working here. This is a great place to work, the people are great, the people are good, it's a good community. But the problem is when you talk to them, they say, I would have stayed here, but the problem is the pay is so low that none of them could afford to stay here. They had to move on. And that's one of the problems with City of South Tucson is that we are a training ground and stepping ground for other Police Departments. And that's why we can't retain or recruit the people that we need to, and that's a big deal. I've given you a handout. On that handout basically, there's about eight other cities here, eight other Police Departments here in Pima County. When it comes to pay, and this is not just for the Police Department, it also applies to the Fire Department. We are the lowest paid Fire Department and Police Department in the county. When you start comparing us to state-wide, we are at the very bottom or near the very bottom. So it doesn't matter where you go. You look at with our officers, our officers make \$21.66 an hour. There is no range like you will see with other departments on there. You look basically at the City of Tucson, Oro Valley, the Airport Authority, Marana, Sahuarita. All those topped-out officers are at \$39.00. Most of them begin at \$28-\$29.00 but they get to \$39.00. When you talk about the difference between \$39.00 and \$21.00, you're talking on an average of \$14.00 to \$18.00 difference with all those Police Departments in regard to the pay in South Tucson. That's a big difference, guys. And we are talking about people going out to the streets and risking their lives. The other issue, it gets worse when you start talking about Sergeants and supervisor positions. Our Sergeants, we have three of them. Two of them make \$25.41 an hour and the other one makes \$25.96 an hour. You go to those same five agencies I just mentioned, their Sergeants are making between \$48-\$50.00 an hour. That is double the amount our Sergeants are making. And all three of our Sergeants are good, experienced Sergeants and have the time to be topped out Sergeants in other Police Departments. You go back to the topped-out pay for the officer rates, you look at those \$39-\$40.00 per hour, that's more than any supervisor on the City of South Tucson. I'm talking Sergeant, Commander, and including the Chief of Police and it's not even close. We are falling farther and farther behind every single year. Basically, I'm going to be asking you guys for a significant pay raise this year, and the future I see for the Police Department, if we don't start taking steps to become competitive with pay, I do not see a future for the Police Department because of not being able to retain people, we will not be able to hire people. I know people don't want to hear that but that's the fact of this situation. The gap is getting so big that there's no reason why people would come here. I was looking at a 2007-2008 budget. We're only a few dollars higher making then, sixteen, seventeen years ago. It's not good. And it's the same, like I said, it's the same for the Fire Department. The Fire Department is in the same situation we are. They are the lowest paid and if we decide that we're going to keep the Fire Department, we're going to need significant raises for the Fire Department personnel, too. That's something you guys need to keep in mind and think about. Anyone have any questions? Thank you for your time.

Councilor Flagg: We shouldn't ask questions?

City Attorney Paladini: I think we can't really have a discussion on this because it's not on the agenda, I mean, the agenda is really for Staff, the Department Directors to introduce themselves and talk to you about their job. So this gives you some information, some surface level information I guess, for future agenda items.

Councilor Flagg: Ok.

Ms. Moreno: If I may, Mr. Vice Mayor, we do intend to come to Mayor and Council with a full report, comprehensive report, on the Fire Department, definitely on the options that were mentioned at a previous meeting, and how to track for you on fact checking items and also have it vetted through Legal. And then on top of that, make sure we go over the budget for each Department and where we sit now, and be prepared to answer questions. So we will be working simultaneously so that we have that all in one Council meeting in the format of a Study Session so that we can answer questions and Department Heads are available for you to answer questions, too.

Ms. Aguirre: The next speaker we have here is our Public Works Director, Angel Lopez.

Mr. Lopez: Good evening.

Vice Mayor Lopez: Good evening.

Acting Mayor Rogers: Good evening.

Mr. Lopez: Good evening, Councilmembers. I'm Mr. Valenzuela, forgive me, excuse my little virus, a little allergy here, but you know what, he said most of it. The truth is there is no money. I hope that one of these days we have money, let's find it and put it to work. I've been here 35 plus years, and it's been a choice of mine. I've been called by the City of Tucson to work for them as a first-time supervisor. I turned it down because I was raised here, I care for the place, and I may tell you some things you may not like, and in time you might get back to me if you can't get back to me now, but I honestly think we have to run this place as a business, not for any, not to make money, but to sustain ourselves. This place has been a little stone in my eyes. We've got to raise taxes; we've got to do what everybody else does. She just told you how we are down. I started with 17 guys, went to 12, I've got six guys today. I can tell you we do a little bit of everything, and you know what, my guys do it because it's their livelihood. It's their livelihood. My guys work here because they like it here, they need the money. We talked about raises. I'll tell you what. I could talk to you about reclassification for the jobs we have done. We're doing street lighting right now. We finished 36th, we finished 4th Avenue. The cost of the lights was a little over \$250,000, a quarter of a million dollars. We've done it, to save time, we've done it our way. They're working right, the lights. The one thing I can tell you is when you give anybody a raise, hold their purse. It's a joke. We do sidewalks, when we started doing sidewalks, we actually had 67% broken sidewalks, uneven sidewalks. We have two lawsuits pending right now because somebody tripped over an eighth of an inch (inaudible). So those are the things we have to deal with, right. That's what we have to deal with, that's the real world here. Right now we start at 65%, 85% completed, 50% done. We did the work. We didn't call anybody to come in here and do it for us. I could show you the bids. One was \$68,000, the other one was at \$70 some thousand. I'll tell you how much we did it for. Under less than \$15,000. If that doesn't tell you something, it tells you nothing at all. I understand it's not one problem, but we have the problem, you have a choice of being here and we also have choices to put this place together. Like I said, see it like a business not for profit, but to sustain ourselves. So we have to do that. I don't see me as Public Works Director, I'm on the loader. Other Directors see me and ask me, what in the hell are you doing on that loader, you're the Director. Guess what, I'm South Tucson. And you know what, have you seen the guy with some of the equipment we have, from our bobcat to the front-end loader, to pilling, to whatever. We do janitorial here, (inaudible) the company here. We took it over. I'll tell you right now, I've got the City Manager, Finance Director, we do plumbing here, we do roofing here. We have a roof now that is over \$200,000, \$100,000. We got out there and fixed it our way and it's kept us up for the last two years. This roof is ready to go. If you look behind you and up on top of yourselves, you can see the leaks. It's

been able to work, it's worked so far. What are we going to do? They say go to HOA or associations, why wouldn't we. We have 80 plus percent rentals, that's a lot of rentals. Housing does the best they can do to help out but again, I've been here to see it. I didn't want to see our Sanitation Department to go. I had to get the Health Department off our back. And when I came to complain to my Mayor and Council, they got mad because I won. Some of you, that was 10-15 years ago got mad at me because I would go to the Mayor and Council, and I was telling the truth. We had no containers for sewage, no containers for garbage. They were all torn and broken apart. Our Department just went down. As you all have heard, we have Santa Rita shutting down. Who knows who's coming back over here, we've had it before, you know, the possibilities are there, very close. I'm serious. Look at the City of Tucson. I could tell you right now, City Manager was here with me to make a phone call to the City of Tucson. They said they would help us with one route only, the rest we had to do ourselves. You know what, we had to set up receptacles because at the time it was Waste Management. They took all the containers away, all of them, receptacles, 95 gallons were gone. What we had to do for a whole month is I had to deliver 95-pound garbage bags to each resident. You guys know who I am talking about. We picked them up and hauled them away. (Inaudible) It's pretty sad that we have to think outside the box. Survivor, somebody called me, and I like this guy very much. He called me a survivor. Sometimes that's what we become, because it's hard to save everyone, \$30, \$40, \$50, \$60. If I saved the City over a million dollars tonight, we saved you a lot. I don't just talk about it, I want to go see it. Go see 4th Avenue, complete. Go see 36th complete, or 6th Avenue complete. 29th and 10th Avenue. I've got 29th in another week we're done. 10th Avenue, it's the last one. That's magic. You have a new attorney here, the first thing he did today, I won't forget, he said or someone said wow, this is a great area and I tried to explain it. We went behind the Burger King, great area, because the Interstates 19 and 10 go right through here. You know what they were thinking, I know what they were thinking right off the bat, it's great for business. Look at Amazon down the street, down 29th past the underpass. Amazon keeps up with South Tucson because the highway goes back and forth through there. That's something we have to think, everybody wants to think, you know. I want a front end loader, it's got to be like the same one with accessories we got here, we've got drivers here, we can pick up rocks, metals, whatever you think, we can pick up because it's a legal company. And we can fix that. Now that we have an attorney that gets on the same page, inspectors, myself, what we have gone through, we're fine people like we are supposed to, don't ever go out of compliance because we're not in compliance. I'm sorry, but we have to take care of this place. Our infrastructure is beautiful here, you know, our infrastructure is something beautiful here and I obviously think of that. Again, it's my livelihood, I'm here because I want to be here, I choose to be here. It's going to be really hard to find good people and that's what we need, we need good people. Good people who understand the situation we are in, and again, I understand 100 percent, we would like to be a class, working class, saving money, huge money for the City and get some pay for our guys, but it doesn't work that way. Maybe it can, I don't know. But again, it's very important tonight, I would like to personally thank our Fire Department and City Council with everything going on, in case we have to shut the next day. I would like to say my deep thanks to Finance Advisor, City Manager, to be able to work with us sometimes when things happen, and my Department makes things happen. I just had projects recently, 39th Street, (inaudible) they called because it was all dark. I checked it out and only two of those lights were South Tucson's. The rest were TEP. I don't work with TEP so I can't tell you if TEP is going to be there tomorrow. I hope they call me and let me know when, Lourdes, but we put some work orders for 9th and 5th Avenue with TEP. I think it was a total of six or seven lights. So it just gives you a little bit of what's going on, what we're doing, trying to keep us afloat. And I'm telling you right now it's, there's things we can do, and before I call it quits, there's three words I hate and I hear it for South Tucson and I was telling an attorney, I was talking to Billy about that, the three words I hate is suppression, poverty, and tolerance. It's so

sad because I don't think we are that at all. You see what's come here and what we will maintain in 30 years, we should be getting aid from the State, from the City, Pima County, because everything is here. Long time research they did here, I remember, most of them making the recommendations, don't even live here. So why can't we do something, look for assistance, do something to look out to help us out. There's a lot of ideas that we have that we have to put to, the one thing I tell you right now, I just brought it up, when I start something and you want to check my work, I invite every single one of you guys because I like to be a doer. Call me, I'll start it and I promise you I will always finish it. I'm not going to sit there any tell you about it for the next seven years, that's not how I work. She'll tell you right now, she's understood me 100 percent and I really appreciate you. There was a time we had a generator, remember that, we were ready to replace it, \$45,000. Well, I went over there and see the fuel and a little bit of bubbles in it, the fuel has little bubbles, there was water in the fuel. So I said hold on, I'll take it off. Long story short, we saved \$40,000. She was able to go to bat for us, no worries. She got that right. We just maintain what is supposed to be maintained. We saved \$40,000. We had someone from plumbing come over here. Unless we need them, we have cameras (inaudible). They charge \$165.00 just to get here, that's just to come check it. Guess what, we check it. What we don't know, we don't know, but I'll tell you what, we've learned to put all lot of hands on and hands on training. What did we do with the lights? I'll tell you what we do with the lights. We do all the labor; we do all the trafficking barricade, traffic control. We do all that. You know what the key was to all this? I reached out to the company, I asked the gentleman, I asked the company, when you are slow come work for my place for the minimum because we need help. Because the labor, we did the labor, we did traffic control, we did the signs, and the lights and everything. We were able to save a lot of money. Think it was over a quarter of a million dollars. And that was, there was two of us back then. Who come? We come. We put cameras, we caught the guy, we kept referring to the Police. They're going to get here next time, next time. We were able to catch him and if I remember correctly, it was \$90,000, the bill was \$90,000, do the math. That's all I really have to say. I could sit and talk another two hours, but honestly, I think those are things we have to look at. I think once we work together, back each other up, we could make it work, and I'll tell you why because we've waited so long to make our Department work. It's worked so far the way we do it and I hope we can get more people. Gentlemen and Council persons, as you all know, we have to provide services for our community. I've seen agendas over and over and I can tell you this, they haven't seen much of it, and it breaks my heart because you have to work in providing services, options, what can we do. We have to do that, we have to make it work because we're a City (inaudible) every other day. We can no longer keep it here so I would really, really love to see an actual plan when you start it and finish it. We'll go from there. Good people here, good people meeting together, and we start to understand each other, and we need people to follow through, not just sit there no more. Suppression, leave it alone. Let's move on, let's keep going. And I'm telling you, that's going to bring people in. Brian, you know that. Thank you.

Acting Mayor Rogers: Thank you.

Ms. Moreno: Josue, we're almost done. I'm going to give you five to ten minutes. Sorry.

Mr. Licea: Good evening, Mayor Acting Mayor, and Council, my name is Josue Licea, I'm the new Planner here, I guess Director, Planner, Programmer. I come from maybe 14, 15 years of public service experience. As you know, as a lot of people that work here. I have a lot of history here. I'm actually from the neighborhood. I grew up at 32nd between 7th and 8th. Moving on from that, I am blessed to say this is my background. I was able to get some education, you know, start out my career in South Tucson, I went to Pima County and now I'm back at South Tucson. So I have been refining my skills here and there. One of the things I like to say is I

am a connector to people and programs, so I like to, I see a lot of issues especially being here from the neighborhood, you know. I'm the type of person that likes to say there are a lot of ideas out there, put some stuff on paper and try to make the community better. There's a lot of opportunities for us right now. What I'm working on right now for the day-to-day is basically, you know, just keeping the ship going as far as concerns on the Planning and Zoning side and also on the building side. You know, there's a lot of activity, believe it or not, in this one square mile, a lot of construction activity, and without going into detail, like a lot of the comments that were made by the Chief and Angel, we're behind the times. The City and City Staff needs some tools and resources to make some of these programs happen, you know, that's what we're going to have. I welcome your ideas and again I am a connector to people and programs. Feel free to reach out to me to see if there are things you are eying in the future, things you are going to work on. As I mentioned I was working in Pima County. I was working for the Community Development Department and run nothing but federal programs and to bring in money to the communities, that was the whole mission of those programs, those federal and state funds. And then back before I left the County my most recent title was Program Manager for Home Repair, the entire Home Repair Program for Pima County. So these are a lot of resources and avenues that may or may not be here in one way or another. There's a lot of opportunity to go after these grants and these funds is difficult. You have to have the plan and policies in place, offering procedures and so on. Something again, we need to be focused on here, but again, it's a good time to do it. There's a lot of activity going on here in South Tucson and I'm happy to be a part of it, I'm blessed to be Staff of South Tucson and happy to mention that to people. In that case, I don't want to take too much of your time and thank you. I welcome ideas and if you have specific priorities you want to look into in the future, please feel free to let me know. Thank you.

Acting Mayor Rogers: Thank you.

Vice Mayor Lopez: Thank you.

Ms. Moreno: Next we have the Executive Housing and Community and Development Director Betty Villegas.

Ms. Villegas: Do you want to wait until I go up for my Resolutions?

Ms. Moreno: It's up to you. Ok, we will wait until she does her part on the Governing Board Housing Authority. We will go with Lourdes Aguirre and then we will finish out with the City Attorney.

Ms. Aguirre: Thank you. Hello, Vice Mayor, Members of the Council.

Acting Mayor Rogers: Hello, Lourdes.

Ms. Aguirre: So I've been here in charge of Finances since 2014 and when I took on in 2014, it was a mess, it was a mess. And if you are ever interested in finding out how messy it was, swing by my office. I'll show you the financials. Nonetheless, my focus at that time and since then has been clean up, to enforce policies and procedures as well as internal controls, make sure we cleared up all of the audit findings. At that point I inherited about fourteen significant internal control audit findings. Cleared them up over the course of two to three years and we've been able to maintain clean audits since then. We were also having to focus a ton of our time on containing our expenditures for the first couple of years, reason being that our fund balance, our savings, were about \$100,000. So all our financials, all my reports, the history is all posted online. If you, for example, took a financial from 2013, that is what you would see. The City had about \$100,000 in savings. And we had hundreds of thousands of dollars to pay off. So we were having to really be good at managing our

cash flow, cleaning everything up so we could get everything in order. We did a fair amount of cutting expenditures because really, we were claims coming through and to this date, the City is still paying on some of those settlements. And as we go through our budget process, I'll make sure to point those out to you and let you know some of the details surrounding those payments and for how long the City will continue to pay. We also had to face pension reform and I issued a memo to you all back in December, beginning of December, where I mentioned how that has affected the City and the cost of service for Public Safety and Fire and Police, to the point where the percentage contribution that the City pays for salary on the Firefighter side is 265 percent. So that means for every dollar the City pays on a salary, it pays \$2.65 to pension. On the Police side, for every dollar it pays on salary, it pays \$1.44 to the pension. So that's what we've been having to face, those rates just continue to rise and there's a ton of factors that play a role in the rising cost. And that is a very big topic we can jump into at another time and we will, because we are going to be talking here in the coming meetings, not only about the budget but also about you guy's options to continue to provide services and/or rebuild in the areas where you need to rebuild and also some options for financing that you may have available to reduce costs. For example, costs related to pension. That's something we were talking about with the previous Council, and we were moving forward. We got pretty far. That's something we want to consider for next year and that's something I could possibly utilize a little bit of savings. I want to point out that, yes, at this point our finances are healthy, our finances are stable. We've come a long way since those financials in 2013. I think one of the better decisions Mayor and Council made was to adopt a Fund Balance policy and that has grown to about \$1.9 million. A very good decision which also plays a part in demonstrating the City's financial health. So you know, our finances are healthy, they are stable, but in my opinion, they cannot sustain the immense amount of work that is being requested, not the way they are right now. So it's certainly going to be up to Mayor and Council to look at everything from the global perspective and make your decisions. Those are the types of things we are going to be talking about here very soon. The first meeting of February, I believe, I want to come back to you all and give you an update. So generally when new Members come on board, what we do is we give them a presentation of the financials for the first quarter, and it's typically the same report we gave to the exiting Council. However, we didn't have an opportunity because Mayor and Council was tasked with other things like electing a Mayor, an attorney, but now what I'll be giving you all is a status update as of December. So I will be giving you a status update as of December 2022, and then we will be jumping into a base-line budget. That's taking our current budget and moving it forward with those factors we know are going to change and we start working from there. At this point I don't have anything else, and you will be hearing from me quite a bit at the upcoming meetings. But feel free to reach through the Manager if you have any questions, I'm here, I'm always here to help. Thank you.

Vice Mayor Lopez: Thank you.

City Attorney Paladini: Good evening, Vice Mayor and Councilmembers. I'm Jon Paladini, partner with Pierce Coleman and I am your primary City Attorney, and I have with me tonight, Michelle Stinson, she's your primary City Prosecutor. Vice Mayor, you got to meet another one of our attorneys at lunch, Trish Stuhan who will supervise, along with myself, the prosecution process. You also met Justin Pierce, and we also have two other lawyers. So you have a bunch of resources available to you with varying amounts of experience. So I just have to tell you, before the meeting, Michelle and I were sitting in the conference room doing some work. I'm behind my laptop, Michelle is behind her laptop, and Michelle kind of looks and says, you've been practicing law as long as I have been alive. She's 30, you know, so the point is we have a lot of experience and today was a great opportunity for myself and Trish and Michelle, too, where they start learning about the issues that the City faces, the opportunities, the challenges. We don't see things in terms of problems, we try

to prevent problems from happening. That's our primary function is to try to keep you out of trouble by being proactive. And so I think from what I've seen you've got a great staff of Directors who really care about what's going to happen here with the City. I think it's also a good time, it's a great time for us to start this process because you're going to start your budget process pretty much now. And in the way we've always, you know, suggested to our Councils in terms of the budget, the budget isn't just putting a bunch of numbers on a piece of paper saying this is what we are going to spend. It's not like a home budget. Your budget is your strategy, it's your policy, how we're going to spend our money and prioritize what we want, what we need, what we probably can't really spend money on this year. I've said this a couple times today and I'll repeat it. If everything is a priority, nothing is a priority. I think going forward that's going to be one of your challenges. You are the Council and make the policy decisions. You get to make the hard decisions about how you are going to prioritize, how you are going to best use the money you have to help the City move forward. So, yeah, we took a tour, saw some of your challenges, we saw the Greyhound Parks which looks like a really pretty good opportunity to bring in housing and sales tax both from the construction side of things, as well as the 200,000 square feet of commercial. And the other thing you also need to think about is nowadays every single residential unit is a brick-and-mortar store, because people buy online and everybody who buys online in South Tucson pays the tax that goes to the LOR and you get your sales tax back. Nowadays, residential can sort of pay for itself because everybody who buys from Amazon or Wayfair, what have you, is generating sales tax for your City. It used to be that the old adage was residential doesn't pay for itself. Now that's not necessarily the case. So we are really excited about this. We want to help. We are a resource to you. We're not going to tell you what to do. We're going to provide right and left limits, as we used to say in the Army, so if you go outside those you're probably in trouble, but we will try to make those as broad and wide as possible, so you have a lot of choices. We will help you make decisions if you need us to help you, as I'm sure the rest of the Staff will, but ultimately you have to make the hard choices. So it's not an easy job but we're here to help. Sometimes in my experience, Councils and Staff kind of fight a lot and that's not the way to get things done. So our suggestion is work together, Staff is here to help you achieve what you want, and ultimately, in this sort of democratic process four votes gets what it wants. It doesn't mean Staff follows that direction, it doesn't mean Staff is picking a side or not. So we are also here, by the way, as attorneys we're also to help you make sure the meetings run smoothly, so I'm happy to give a training on, I know you had Tom Belshe from the League last month, but I'm happy to give more of a specific training about the Open Meeting Law, public records, conflicts of interest, those kinds of things, to make sure meetings run efficiently and they're done properly and you don't get in trouble with the AG. That's why I kind of spoke up earlier about that, because this is a one-way, this opportunity is a one-way, so we will put all the other stuff on the agenda when you need it. That's going to be the last item agenda, is to figure out how you put things on the agenda. So I am going to sit down, and you can take to business.

Vice Mayor Lopez: Thank you, Mr. Attorney. So I guess that is it for all the Directors?

Ms. Moreno: Yes, Mr. Vice Mayor, all Department Heads.

Vice Mayor Lopez: Ok, so let's move on to Resolution No. 23-01.

ITEM #08 - RESOLUTION NO. 23-01 OF THE MAYOR AND COUNCIL OF THE CITY OF SOUTH TUCSON ("CITY"), ARIZONA, RATIFYING, APPROVING, AND ADOPTING THE INTER-GOVERNMENTAL AGREEMENT ("IGA") WITH PIMA COUNTY ("COUNTY") FOR THE MANAGEMENT AND IMPLEMENTATION OF THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM ("CDBG")

Ms. Moreno: Yes, Vice Mayor, Members of the Council. So you will see that, if you look at your agenda, Items #08, #09, #10 and #11 all have the word ratifying, which means that the effective date has passed us because we have not brought items of business to you because we have not had an attorney. So now our Attorney has had an opportunity to review all of these Resolutions and approve as to form so we can present them to the Council. So the contracts before you, the start date has already passed, and that's where the word ratify comes in, so it means it allows you to make that contract effectively go into effect after the fact, so that's where the word ratifying comes from. So again, Resolution No. 23-01 and the next item following will be presented by the Finance Director.

Ms. Aguirre: Thank you City Manager. So this Item, Resolution, #23-01, as she mentioned, is one of our housekeeping items. We do this annually and even though we submit our applications to the County on an annual basis, most of the time we submit a request for more funding. This is the second year we get the same amount of \$175,000. I've broken it down there for you to see and here for the next meeting I should be able to bring back another agreement for you all to see, IGA between the City and its contractor for Youth Services so we can start flowing money down to them. Once this agreement is completely approved, then the City can start submitting for reimbursement of expenditures that go back to October 1st of 2022. I think the County had a little delay on their end as well. We haven't been sitting with this agreement for very long, but if we get it back to them, we can start getting our money back. I'm not sure if any of you have any questions, if you have questions about funding, I can answer them. If you have questions about the program, then we have our Planning Director Josue Licea who may be able to assist.

Councilor Valenzuela: Vice Mayor, Vice Mayor.

Vice Mayor Lopez: Yes, ma'am.

Councilor Valenzuela: Who is in charge of applying for the grant, is that your Department or is that Josue's Department?

Ms. Aguirre: Vice Mayor and Councilor Valenzuela, I am responsible for the financial reporting and the billing. When it comes to the applications, generally the Planning and Zoning Department has taken care of that.

Ms. Moreno: If I may, Mayor, if I can, answer the question.

Vice Mayor Lopez: Yes.

Ms. Moreno: Councilor Valenzuela, I think the question, if I can elaborate a little more. Josue just started with us, so he wasn't involved in applying for this here or the breakdown of the different categories there the amount of money we receive. If you can help me explain, Lourdes, because she more versed in the breakdown, but for years now, you will see that CDBG funding has been broken down into different categories and also has a breakdown of how much money is assigned to each one. If we focus on the JDYC which I know that question had come up previously, those monies are paid to JVYC/Pio Decimo, for purposes of the program and services.

Ms. Aguirre: Yes, Manager, that is correct.

Ms. Moreno: And then the other funding sources are allocated to, let me pull that page up so I can give you more information. So we will start off with Administration and you can go from there and see the breakdown. Are these budgets for each of these categories, are these the same amounts we got last year or year before?

Ms. Aguirre: City Manager, they are. As you can see my breakdown on the cover sheet, they are the same amounts we received last year. If you compare it to what we received two years ago, it's probably a little lower. There was maybe a line item or two that went away because this, I don't know, I can't explain why. I'm sorry, I wasn't involved in the application process at that point. But that's what I see, it has gone down a little bit. If you all are interested in seeing the actual breakdown of each one of these line items, you can go to Exhibit A of your contract agreement and it breaks it down based on personnel, fringe, materials, etc. It gives you a good idea of where exactly those monies go.

Vice Mayor Lopez: I have a question. I noticed there's functions of the program that have a fire prevention and educational program, crime prevention, and fire rescue safety equipment. Now, our Departments, Fire and Police, are they involved with part of this program here where to they are probably like the instructors teaching them how to use the safety equipment, or how to prevent crime within the home? Are our Departments involved in this process?

Ms. Aguirre: Mr. Vice Mayor, yes, in fact, prior to Covid our Police Department was involved in the training so say community development of our youth through the Explorers Program.

Vice Mayor Lopez: Ok, yeah.

Ms. Aguirre: And that was the case for many years, their participation went down because of Covid, but I believe they are going to renew those operations at some point perhaps. Because the funding wasn't used during Covid, we did have opportunity to transfer that money and make use of it in the Fire Department. Now, HUD does have restrictions on how to use the money for Fire, and it could only go to equipment. So Fire has put it to very good use and it will be transferred over year after year, and it has purchased anything from the tourniquets to uniforms, to life saving equipment. The piece that they purchased last year was a CPR machine. So that's pretty much we do, if we see that one of the programs, in this case the crime prevention and education is not able to use the money, we do make sure that we perform the appropriate amount of donations to use up all the money.

Acting Mayor Rogers: Thank you.

Vice Mayor Lopez: Thank you. Is there any other questions or comments?

Councilor Valenzuela: Yeah, can I request a list of grants available and what they can be used for? I'm new at this and just want to know what we can in the future use these grants for.

Ms. Aguirre: Yes, Mr. Vice Mayor and Councilor Valenzuela, I'll go ahead and make a list of that, a list of all existing grants?

Councilor Valenzuela: Yeah.

Ms. Aguirre: Ok, very well. And as we go through the budget process, that's one of the things I really like to break down for you all. I like to teach you everything from the fund, how we code it, and what it's used for, who it comes from and how long it's in place.

Vice Mayor Lopez: Is there any other comments? Ok, let's put it on for a vote.

Acting Mayor Rogers: Ok, Mr. Vice Mayor, I move to approve the IGA, Intergovernmental Agreement, between the City of South Tucson and Pima County for the CDBG funds and I would like to include in my motion that we need to keep the Resolution No. 23-01 two pages, and the DCBG papers between Pima County and the City of South Tucson, including Exhibits A-B, 22 pages.

Vice Mayor Lopez: Do I get a Second?

Councilor Valenzuela: I'll Second.

Vice Mayor Lopez: Thank you. Alright, let's put it out to vote then.

Councilor Valenzuela: Can I be first so I can go out to the restroom?

Vice Mayor Lopez: Yes.

Vice Mayor Lopez:

Councilor Valenzuela: Yes.

Councilor Aguirre: Yes.

Councilor Flagg: Yes.

Councilor Romero: Yes.

Acting Mayor Rogers: Aye.

Vice Mayor Lopez: And Aye for me. Resolution No. 23-01 passes.

ITEM #09 - RESOLUTION NO. 23-02 OF THE MAYOR AND COUNCIL OF THE CITY OF SOUTH TUCSON, ARIZONA, RATIFYING AND APPROVING THE INTERGOVERNMENTAL AGREEMENT ("IGA") BETWEEN THE CITY OF SOUTH TUCSON ACTING ON BEHALF OF THE SOUTH TUCSON POLICE DEPARTMENT ("STPD") AND THE U.S. DEPARTMENT OF JUSTICE, DRUG ENFORCEMENT ADMINISTRATION ("DEA") FOR ASSIGNMENT OF AN STPD OFFICER TO THE DEA TUCSON TASK FORCE AND DIRECTING AND AUTHORIZING THE STPD POLICE CHIEF TO EXECUTE THE IGA

Ms. Aguirre: Mr. Vice Mayor, the City Manager stepped out. I can proceed or,

Vice Mayor Lopez: Sure. We can catch up with her.

Ms. Aguirre: Here she comes.

Ms. Moreno: this Item #09 as I mentioned with regard to the ratification, it's the same situation with regard to the effective date, and I'll turn it over to the Finance Director.

Ms. Aguirre: Thank you, Ms. Manager. One of the things that I want to point out to all of you is that I made a typo on my cover. This Agreement is actually for a term of three years. It runs from October 1, 2022, to September 30, 2026. In the past they were always done year to year, but I think the actual term assignments were for three years, so now both have to stay aligned with each other. There is money allocated in the budget for this already. What this covers is overtime, only overtime. Any fringe benefits associated with that overtime, the City pays out of pocket. So the overtime that is going to be covered by this Agreement is \$19,000, actually a little over \$19,000. Currently there is an officer at DEA actively working and this Agreement basically, through this Agreement you authorize the Chief of Police to execute. I do have to mention that because of the timing and the DEA Task Force having to move forward, we did have to have the

Chief turn some funding amount over to DEA. This is ratifying so I don't know if the Chief has anything else to mention with regards to the funding.

Chief Denogean: I have nothing to mention.

Councilor Flagg: Hey, Chief, like we only have two people out on the street at any time. It's like you said, we need money and we're helping the DEA, I mean, face value. What am I missing?

Chief Denogean: The one thing we get out of this is money that is seized goes to RICO funds, and we are able to use RICO funds to purchase equipment that we could use for our Department because trust me, that's been a subject that's been in my mind for the last year, is it worth it. We've had someone there years before I ever got there and I'm a big believer in law enforcement and agencies trying to assist the DEA with working drug problems because it affects all of us. But the subject has come to my mind, and I've had to talk about it, is it worth it. When we get money, and we get money for seizures and RICO funds and we are able to use that to get some equipment and stuff like that, that's what makes it worth it. What I have to look at is, are we getting enough to make it worthwhile and I've only been here a year so I'm still giving it time to see how we go down that road, see if it's worth it.

Councilor Flagg: Do you got numbers on it, on the RICO?

Chief Denogean: We have \$160,000 in our RICO account right now.

Councilor Flagg: Is that good?

Chief Denogean: It's good for the City of South Tucson. It helps us buy some equipment. And we have the other area where we're contributing to the community and to the multi-agency Task Force out there in attacking the drug problems in the community.

Councilor Flagg: So, we're creating good will.

Chief Denogean: Yes.

Councilor Flagg: That's really important, right?

Chief Denogean: That is really important, yes.

City Attorney Paladini: Mr. Vice Mayor, I need to insert that if it turns out, if the Chief determines that it's not worth it, this Agreement can be cancelled on thirty-days' notice.

Vice Mayor Lopez: Ok.

City Attorney Paladini: So I think it's recommended to proceed forward and then it's determined that it's not paying off, or not paying its weight, then it can be cancelled with 30-days' notice.

Councilor Flagg: Right now you're really confident that it's the right thing to do.

Chief Denogean: I'm confident in the person that is working over there is well-versed in drugs and there's a lot of things going on that they are working on that are really important cases.

Councilor Flagg: Ok.

Chief Denogean: And I'm a big believer that we be a good partner with our fellow law enforcement agencies, and I think that goes a long way.

Vice Mayor Lopez: Chief, do you have the same officer assigned to this unit here or do you switch him around?

Chief Denogean: When I got here it was the same officer and I've been here 14, almost 15 months and it's the same officer. They're usually there for three to five years.

Councilor Flagg: Can you say who the officer is?

Chief Denogean: No, I'd prefer not to.

Councilor Flagg: Ok.

Councilor Aguirre: So, one of my concerns is the fact that this doesn't cover pension costs which are one of our biggest problems we are facing in our budget right now. So I believe, correct me if I am wrong, did you say it was about \$19,000?

Chief Denogean: That is the overtime that it covers.

Councilor Aguirre: It's overtime that it's covering?

Chief Denogean: Yeah.

Councilor Aguirre: So we're looking at about \$50,000 in pension that we have to pay out of our pocket from the City for that. So that is just something I want us to be thinking about when considering moving forward because we've got to figure out where that comes from, too. The other thing, before I got elected, you know, I was very outspoken about racial profiling, a big supporter of community policing.

Chief Denogean: Right.

Councilor Aguirre: And so, with receiving federal funds that's always a red flag for me. I understand how important it is and I guess my biggest concern is our policies and how we work with these other agencies in what we do. And so, a call to the audience here it was brought to our attention that we might not have a policy.

Chief Denogean: I would have to double check. There's been no racial profiling while I've been here, and I can tell you the detective officer involved is mostly in an undercover position. I'm not saying he would never make a stop. What Mr. Peard doesn't realize is that a federal agency doesn't need to partner with a local agency to ask them to make a patrol stop. They can be out there in the field and get on the radio and say, hey, could you please assist us, and any police agency is going to assist a federal agency with a stop if they ask them to stop and stuff like that. So it's not, you don't have to partner with an agency to make that happen.

Councilor Aguirre: Ok, so correct me if I am wrong. I know like in the past we've had jurisdictions for reasons where we had the separation of the feds from the local municipalities, so that's another big concern for me. So, when we are in IGA's and contracts with the federal government, I think that makes us a lot more available to them, and correct me if I am wrong, so these are all concerns that I would like us all to consider in moving forward with this. I'm not against,

Chief Denogean: Let me put it like this, in the last 14 months I am not aware of my officer being involved in any traffic stops. Not saying any of that hasn't happened. Most of his things are bigger scheme things and undercover type situations.

Ms. Moreno: If I may, Vice Mayor, in my experience, too, in working with the City in my tenure, I have had no complaints or concerns ever that were brought to my attention in my role as H.R. Director, in regard to any of the assignments that many of our other officers have worked other duty gig. And when you think DEA, you think Drug Enforcement, and I know the role that the play can allow them to conduct traffic stops, and things like that. But to my knowledge I can testify I have never had any issues, concerns or complaints, or any conversation that was in regard to the topic of racial profiling.

Chief Denogean: Since I've been here, I haven't had any complaints of racial profiling on stops, and I can tell you, because I was a part of CNA and worked with DEA my last one and a half years with Tucson Police Department, is that basically, they're not just going out there and we see a vehicle, there's information that somehow linking that to drug activity is what they are looking at. So I can pretty much guarantee you that's not happening. I can tell you that the message and the things we are teaching our people is not to go and racial profile. Every agency basically has general orders that prevents that and says that's not going to happen. So I understand his concern, I think it's kind of, how do I put this, I don't think it's a valid concern, let me put it that way.

Councilor Valenzuela: Vice Mayor, wasn't there a lawsuit or a pending lawsuit?

Chief Denogean: I think they said that was in 2014, 2013, or something like that.

Councilor Valenzuela: And you're not aware of that one?

Ms. Moreno: If I may, Vice Mayor Lopez. That was not through DEA agent, that was not an officer, not someone assigned to DEA. It wasn't someone assigned to DEA during that particular incident, it was an officer, but it was the officer assigned to DEA. So you are correct, Councilor Valenzuela, it did take place, but it wasn't the gentleman assigned to DEA.

Councilor Aguirre: So I don't know if this is something we might need to do on another agenda or if we do as further conversation, but I would like to, just to give the public, and shore up the relationship between the police and the public, I would like to see either whether we have a policy in place, and if not, maybe move forward with creating something.

Acting Mayor Rogers: I want to make a Motion, if I can.

Ms. Moreno: Go ahead.

Vice Mayor Lopez: Ok.

Acting Mayor Rogers: I'm going to make a Motion.

Ms. Moreno: I'd just like to make a comment, really quick.

Vice Mayor Lopez: Go ahead.

Ms. Moreno: With regard to what was just mentioned by Councilor Aguirre, so during the time the incident took place in 2014, there was a policy adopted by the ACLU, and we can bring that to you.

Councilor Flagg: Yeah.

Ms. Moreno: I'm so sorry, Councilor Rogers, I just want to make sure we have a

Councilor Rogers: Mr. Vice Mayor.

Vice Mayor Lopez: Yes.

Councilor Rogers: I would like to move that Resolution No. 23-02 of the Mayor and Council of the City of South Tucson, Arizona, ratifying and approving the Intergovernmental Agreement (IGA) between the City of South Tucson, acting on behalf of the South Tucson Police Department and the U.S. Department of Justice, Drug Enforcement Administration for assignment of an STPD officer to the DEA Tucson Task Force and directing and authorizing the STPD Police Chief to execute this IGA.

Councilor Aguirre: I'll Second that.

Vice Mayor Lopez: Thank you very much. So let's do a Roll Call, Resolution No. 23-02.

Vice Mayor Lopez:

Councilor Valenzuela. Aye.

Councilor Aguirre. Aye.

Councilor Flagg. Yes.

Councilor Romero. Yes.

Acting Mayor Rogers. Aye.

Vice Mayor Lopez: And I vote yes on this one, too. Resolution #23-02 passes.

ITEM #10 - RESOLUTION NO. 23-03 OF THE MAYOR AND COUNCIL OF THE CITY OF SOUTH TUCSON, ARIZONA, RATIFYING, APPROVING AND ADOPTING THE INTERGOVERNMENTAL AGREEMENT ("IGA") BETWEEN THE CITY OF SOUTH TUCSON ACTING ON BEHALF OF THE SOUTH TUCSON POLICE DEPARTMENT ("STPD") AND THE ORGANIZED CRIME DRUG ENFORCEMENT TASK FORCE ("OCDEF") FOR USE OF STRIKE FORCE / STRATEGIC INITIATIVE PROGRAM FUNDS AND DIRECTING AND AUTHORIZING THE SOUTH TUCSON POLICE CHIEF TO EXECUTE THE AGREEMENT AND ACT AS THE LOCAL LAW ENFORCEMENT AGENCY OFFICIAL

Ms. Moreno: Thank you, Vice Mayor. This is also another Item that again has the word ratify and has an effective date which has now passed us, which was October 1, 2022. I'll turn it over to our Finance Director to go over the summary.

Ms. Aguirre: Thank you, Manager. This specific Agreement goes hand in hand with the DEA Agreement. What this does is it appoints the City of South Tucson as the fiduciary for the DEA Task Force. So South Tucson receives the award for \$137,000 in order to make purchases for necessary equipment. The DEA Task Force has already determined what its specific needs are for its operations, as listed on the last page of the Agreement, that is their budget. I will be working directly with DEA personnel to make sure all the procurements are completed, and all the purchases are performed, and reimbursements are submitted.

Vice Mayor Lopez: Ok.

Ms. Aguirre: One thing that I do need to mention is that it is important to have this when we have the DEA assignment, because this also increases the chances of South Tucson receiving funding for its level of

participation. So should the DEA Task Force perform any forfeitures, asset forfeitures, participating in a program like this really helps increase South Tucson's share.

Councilor Rogers: Ok. Anything else?

Vice Mayor Lopez: Any questions, concerns?

Councilor Valenzuela: This is kind of a question about the RICO money. You said that money can only be used for equipment?

Chief Denogean: It can be used for equipment, training. It cannot be used for salaries or supplants, stuff like that, but it can be used for training and equipment, basically. There's some other things, but you get into unchartered waters when you go outside those types of areas for the most part.

Councilor Valenzuela: And do we get a report of what they are working on or can we request,

Chief Denogean: I don't even know half the time what they are working on.

Councilor Valenzuela: Ok.

Chief Denogean: I'll get a briefing every once in a while, when I see the officer, but that's all stuff that's very sensitive and it's not for the public knowledge, it's confidential, basically.

Councilor Flagg: But the RICO money is in the budget, Lourdes?

Ms. Aguirre: Yes, Vice Mayor and Councilor Flagg, it is in the budget and so when we go through that process, I make sure to identify to you where it's at, how much we've been receiving, how much they have been spending, so on and so forth. And like the Chief mentioned, currently with the County Attorney's Office, because they hold all the funds for the state, for all the jurisdictions, they have about \$160,000 and the pot of money has grown, little by little. And to just give you an idea, there is approximately, on the report, sitting with the federal government, how much was that amount, about \$300,000 of which South Tucson would receive a share.

Chief Denogean: Every case it depends on how much the officer was involved and stuff like that, but it's, you really don't know how much you are going to get.

Councilor Flagg: How much did that cop steal ten years ago out of the RICO room, remember that?

Chief Denogean: I wasn't here when that happened.

Councilor Flagg: It was the RICO room; the cop stole all that money from the RICO room. I'm wondering how big it was.

Vice Mayor Lopez: From the evidence room.

Councilor Flagg: Yeah, right.

Vice Mayor Lopez: There's two separate funds now, both evidence room and RICO funds.

Councilor Flagg: It was a RICO case, right, I mean, it was all about RICO, right? I mean, we're kind of famous for that, South Tucson, so we want to make sure it doesn't happen again.

Ms. Aguirre: Vice Mayor and Councilor Flagg, that is one of the reasons why we have tightened up internal controls.

Councilor Flagg: Ok, right answer.

Ms. Aguirre: And sometimes it's strict, but we need to be in order to protect ourselves, to protect the City, and protect you all.

Councilor Flagg: Yeah.

Acting Mayor Rogers: Right.

Chief Denogean: I think in that situation, I wasn't here, somehow they finagled a way to get the check addressed to him, stuff like that.

Councilor Flagg: Yeah, yeah.

Chief Denogean: I guarantee that's not happening in this situation.

Councilor Flagg: We need to be sensitive about that with South Tucson, that's our history.

Chief Denogean: I agree. The one thing I do feel 100% confident about is that we have a many problems here in South Tucson but the people we have are good people, good honest people, and I don't see that type of stuff happening here, excessive force, those kinds of issues. We're very good about that stuff.

Councilor Flagg: Ok.

Ms. Aguirre: One thing I do want to add, Vice Mayor and Councilor Flagg, a few years ago, maybe three years ago, we were subject to (inaudible), they called it a review where members of the Asset Forfeiture team in Washington came down to South Tucson just because there was a couple topics in the news about RICO, and jurisdictions.

Councilor Flagg: Right.

Ms. Aguirre: And so they came down and they really scrubbed our policies and our books.

Councilor Flagg: I remember that.

Ms. Aguirre: And we came out on top, so that was one of the things I

Ms. Moreno: If I may, Vice Mayor, I was going to talk a little bit about that. I wanted to thank Councilor Valenzuela, it was a good question because it's always good to fact check. There's really, truly a story behind why we are where we are with this. Now you do a google search and pull up South Tucson Police Department and you will see what has happened in the past and what will never happen again. And that is why it's important that we have those internal controls in place. You know, like Lourdes mentioned in her presentation, she talked about the fifteen findings, and I always like to give her credit because she did walk into a mess. It was a complete mess, it was a disaster. And then you factor in the lawsuits and all that stuff. So we've come a long, long way. A long way. The budget is much better. We don't want to go back, we'll move forward.

Acting Mayor Rogers: Can I make a move for it?

Vice Mayor Lopez: Move forward. Any other questions? Ok, go ahead.

Acting Mayor Rogers: Mr. Vice Mayor, I would like to move Resolution No. 23-03 of the Mayor and Council of the City of South Tucson, Arizona, ratifying, approving and adopting the IGA Agreement between the City of South Tucson acting on behalf of the South Tucson Police Department and the Organized Crime Drug Enforcement Task Force for use of Strike Force/Strategic Initiative Program funds and directing and authorizing the South Tucson Police Chief to execute the Agreement and act as the local Law Enforcement Agency official. And I would like to add to that that we have the Resolution of two pages and the Agreement of six pages with that vote.

Vice Mayor Lopez: Did we already get a Second?

Councilor Romero: Second.

Councilor Aguirre: Could you repeat that last part of your Motion, please?

Acting Mayor Rogers: The two pages? It's on the bottom of the page there, and the Agreement of six pages so you know what you voted on, all of us.

Vice Mayor Lopez: So did we get a Second?

Acting Mayor Rogers: She already Seconded it, Ms. Romero.

Vice Mayor Lopez: So we got a Second, let's go for Roll Call, Resolution No. 23-03.

Vice Mayor Lopez:

Councilor Valenzuela. Aye.

Councilor Flagg. Yes.

Councilor Aguirre: Yes.

Councilor Romero. Yes.

Acting Mayor Rogers. Aye.

Vice Mayor Lopez: And Aye myself. Motion passes.

ITEM #11 - RESOLUTION NO. 23-04 OF THE MAYOR AND COUNCIL OF THE CITY OF SOUTH TUCSON, ARIZONA, APPROVING, RATIFYING AND ADOPTING THE CONTRACT BETWEEN THE CITY OF SOUTH TUCSON ("CITY") AND PIERCE COLEMAN PLLC ("ATTORNEYS"), AUTHORIZING THE MAYOR AND/OR THE INTERIM CITY MANAGER TO EXECUTE THE AGREEMENT

Acting Mayor Rogers: So moved.

Councilor Aguirre: I'll Second.

Acting Mayor Rogers: Any discussion?

Vice Mayor Lopez: Any discussion? Are there any comments you would like to make, Mr. Attorney?

City Attorney Paladini: No.

Acting Mayor Rogers: I moved it. Somebody else Seconded it.

Councilor Aguirre: I Seconded it.

Vice Mayor Lopez: Ok, so let's make a vote on this for Resolution No. 23-04.

Vice Mayor Lopez:

Councilor Valenzuela. Yes.

Councilor Flagg. Yes.

Councilor Romero. Yes.

Acting Mayor Rogers. Aye.

Councilor Aguirre. Aye.

Vice Mayor Lopez: And myself, I vote yes. Resolution passes.

Vice Mayor Lopez: Can I have a Motion to go into study session?

Ms. Moreno: We have one more item, Mr. Vice Mayor, Item #12.

Acting Mayor Rogers: Skip this item, that's what Paul says. It shouldn't happen now.

Vice Mayor Lopez: Ok, so Item #12.

ITEM #12 - DISCUSSION AND DIRECTION REGARDING PROTOCOL TO AGENDIZE ITEMS FOR COUNCIL MEETING
AGENDAS, REFERENCE, CHAPTER 2, ARTICLE II, COMMON COUNCIL

Ms. Moreno: Yes, Vice Mayor, Members of the Council. Just so that all of you are aware, the Mayor sent an email yesterday evening to myself, the Vice Mayor and Acting Mayor Rogers, and City Attorney, requesting that this item be postponed because he's not here and he wanted to be part of the discussion. However, if the wishes of the Council is that they want to continue discussing this, otherwise, postponing it to another date.

Councilor Valenzuela: I'd like to continue.

Ms. Moreno: Ok.

Vice Mayor Lopez: With the wish of the Council, moving on forward.

Acting Mayor Rogers: What did they say?

Vice Mayor Lopez: Ok, so we are going to do, either continue discussing this or put it up for our next meeting.

Acting Mayor Rogers: Ok, what did you all decide?

Vice Mayor Lopez: Well, we decided to move it forward, or continue it.

Acting Mayor Rogers: When the Mayor is here?

Councilor Valenzuela: No, now.

Acting Mayor Lopez: No, no, do it here.

Councilor Flagg: Do it now.

Vice Mayor Lopez: Do it now. So we are going to take a vote on this one just to make sure we agree on this on Agenda Item #12. Oh, wait a minute.

Councilor Aguirre: Just clarify what we are voting on.

Acting Mayor Rogers: I don't know.

Vice Mayor Lopez: Wait a minute, we should be discussing the Items.

Ms. Moreno: I would just relay to the Council that the Mayor had requested to postpone it because he wanted to be part of the conversation or discussion because he wasn't able to make it here.

Vice Mayor Lopez: Right.

Ms. Moreno: But again, the wish of the Council if they want to have a discussion or postpone it to another date. Councilor Valenzuela said she would like to have a discussion tonight.

Vice Mayor Lopez: Yes.

Ms. Moreno: You can continue with your discussion I know the City Attorney was going to refer to the City Code and explain what it says.

City Attorney Paladini: So real quickly, process wise, if you want to continue this or postpone it to a different date, you have to do a Motion and Second, and the Council votes. They would have to get four votes to continue. So if you don't have a Motion and Second to continue or postpone it, then the Item goes on tonight. Just so we are all clear.

Vice Mayor Lopez: Ok.

Acting Mayor Rogers: So Mr. Vice Mayor, I can talk to him. So basically when you're talking about votes and stuff, etc., are you saying if the Mayor is not here and would like to be here on this Item, that we need to vote either yes or no that it will happen tonight?

City Attorney Paladini: No, if you don't vote on anything then it just happens tonight. If the majority of the Council, which is four tonight, wants to continue it or postpone it, then you have to make a Motion and a Second and vote on it. Otherwise, if you don't make a Motion, then it just gets discussed and, you don't have to decide tonight, but the Item is discussed tonight.

Vice Mayor Lopez: So what is the wish of the Council in order to proceed or what?

Councilor Aguirre: I don't think we have a Motion to postpone it, so

Vice Mayor Lopez: We'll make a Motion and someone Second it and then from there we move on.

Councilor Valenzuela: We don't need a Motion.

Acting Mayor Rogers: I'd like the Mayor to be here, so I don't know what Motion to make.

City Attorney Paladini: You make a Motion to postpone the Item until a later date.

Acting Mayor Rogers: And our Mayor is with us, yes.

City Attorney Paladini: You have to be kind of more specific, so you postpone until the next meeting.

Acting Mayor Rogers: I would like to move the Agenda Item #12 to our next meeting.

Vice Mayor Lopez: Ok, do I get a Second on this?

Councilor Romero: Second.

Vice Mayor Lopez: Let's go for a vote.

Vice Mayor Lopez:

Councilor Valenzuela. No.

Councilor Flagg. No.

Councilor Aguirre. No.

Councilor Romero. Yes.

Acting Mayor Rogers. Yes.

Vice Mayor Lopez: And I vote No.

Vice Mayor Lopez: So with those votes, do we continue moving forward?

City Attorney Paladini: Right.

Acting Mayor Rogers: Yes, yes.

City Attorney Paladini: So getting to the substance of the Item, currently your City Code provides in Section 2-34(b), it says, Ordinances, Resolutions and other matters requiring action by the Council shall be introduced and sponsored by a member of the Council, except that the City Attorney or City Manager may present Ordinances, Resolutions and other matters to the Council. Any Council person may assume sponsorship thereof by moving that same be adopted. So one of the ways to read that part of your City Code is that any single Councilmember or Mayor can put an item on the agenda. Or the Manager or Attorney can put something on the agenda with the consent of at least one Councilmember. So you could agree to that interpretation if you like, and that would be your process, or you could vote to adopt a specific policy or practice that you want to follow along until this Council or another Council decides to change it, it's that specific. So for instance, most cities and towns would allow the Mayor to put something on the agenda or two Councilmembers, or the Attorney or Manager for those things that kind of come up through Staff. And the reason that's done, I think the reason that's done for the most part is it whittles down the agenda down somewhat, because if any single Councilmember can put something on an agenda, you could have a pretty long agenda if it gets out of hand. And that's, like I said, you can agree with my interpretation of that Code to say that any one Councilmember, or you can adopt a policy that is more specific.

Councilor Flagg: We should just go with it.

Councilor Valenzuela. Yeah. I would like to make a Motion to his interpretation and continue with this current Code.

Councilor Aguirre: I'll Second that.

Acting Mayor Rogers: What is the Motion?

Councilor Valenzuela: I made a motion to use the Attorney's interpretation of the Code that any Councilmember can agendize something, and I got a Second.

Acting Mayor Rogers: Ok. When somebody Second's, I want to discuss.

Councilor Aguirre: I Seconded it.

Acting Mayor Rogers: Ok, discussion wise, to my knowledge, I've been here since 2018, I believe there is already something in our Code or somewhere that we have two people that can bring anything they want. I remember that something happened lately where two of our Councilmembers came to the front office. They didn't get their two items on, but I can't tell you the place of this that it is already set. And you just can't take Code or whatever you call it and take it away.

City Attorney Paladini: Your City Code is essentially your governing law.

Vice Mayor Lopez: Right.

Acting Mayor Rogers: I'll find it.

City Attorney Paladini: I have not seen, I don't think City Manager is aware of any policy that allows, that says that.

Acting Mayor Rogers: Two.

City Attorney Paladini: If there is that policy, that's a policy the Council can overrule as a majority.

Acting Mayor Rogers: Yeah, it's going to have to.

City Attorney Paladini: But your Code is pretty clear that any item that's put on the agenda must be sponsored by a Councilmember, so my inference or my analysis is that allows for one Councilmember to put something on the agenda.

Vice Mayor Lopez: Right.

City Attorney Paladini: So in other words, something can't get on the agenda without one Councilperson putting it on there. That doesn't mean that two or three can all agree to put something on, but I would discourage talking about those things to help avoid Open Meeting law issues. So there is a way you can avoid any prior discussion of an item that any single Councilmember can put an item on the agenda. Because, like I said, a lot of policies say two Council people, that means the Councilmember needs to go to at least one other. If that person doesn't want it, then needs to shop it, and too much, a special situation, there's too much potential, it gets too much into the weeds about the item, not just, hey, I want to put this on the agenda, hey, I want to put this on the agenda because I want it approved and here's why. That's the sort of human nature. This interpretation, I guess, is a safer way of doing things in terms of Open Meeting Law issues. I guess I'll say it this way, the danger is you have really, really long meetings if it gets out of hand, because any Councilmember can put anything on the agenda.

Vice Mayor Lopez: Right.

City Attorney Paladini: That might mean Staff might have to balance it and push things down the road just as a management tool. And that's, that all depends when the Mayor comes in or the Vice Mayor comes in and in terms of agenda review, and making sure you don't have a 34-item agenda that's going to take five hours.

Vice Mayor Lopez: Right. I have a question. If one of our Council persons wants to write something on the agenda, should it reflect an issue that the City should be working on or is working on, other than just putting something in writing and have no reflection on the City whatsoever?

City Attorney Paladini: The city, like any city, is limited to what they can do. There is a general law city, so you are right by saying, Vice Mayor, that you shouldn't be putting things on your agenda that deal with, let's say, international issues, because you have no jurisdiction. You're only supposed to talk about things that are of local importance.

Vice Mayor Lopez: Right.

City Attorney Paladini: Now, it doesn't mean you can't put on a resolution that maybe supports something for the region, those kinds of things, but certainly your ordinances only apply to South Tucson. All your business decisions are going to apply to South Tucson. So that's a good way of putting it. They should be things if you are going to put it on the agenda that apply to the City.

Vice Mayor Lopez: Right.

City Attorney Paladini: And it doesn't mean somebody can at the moment of a meeting ask to put something on the agenda. It still has to go through the process with the City Manager to make sure if there are documents that need to be submitted for the packet or things that need to be written, or it needs to get in relatively early, so this isn't an opportunity to drop something on Staff to try to get it in last minute. This still has to follow the established process to get things on the agenda, just like Staff members do.

Vice Mayor Lopez: Should we put a time limit, let's say you've got to submit it like a week before the agenda is being worked on?

City Attorney Paladini: I think you already have that.

Vice Mayor Lopez: Would that be something you would like to see, time frame to prepare yourself.

City Attorney Paladini: Well, currently your deadline for meetings is what?

Ms. Moreno: If I may, Vice Mayor and Jon, we have not like an actual set policy, but I want to create one for time management purposes and I can prepare it and have time to review it. During our conversation throughout the day we discussed that. If there is a meeting like we have the first and third Tuesday of every month, then the rule will be to come ahead now, if I can get the agenda items to me the Monday preceding the Tuesday Council meeting. This will give me an opportunity to give it to the City Attorney, prepare the agenda, again look at the documentation, make sure it's approved as to form, and then come the Wednesday prior to the Tuesday Council meeting, the agenda should be complete so we can post it on Thursday at the very latest. We would like to have it posted by that Wednesday if we can. So just gives the Council as well as the public an opportunity to schedule time to come down and also to review the packet, and also to meet with Staff. So, if you have any questions on any of the agenda items, you can meet with myself and Staff on any particular question you have prior to asking those questions during the Council meeting. So again, the Monday preceding the Tuesday Council meetings would be the deadline for submittal for agenda items.

Vice Mayor Lopez: Sounds good.

City Attorney Paladini: That's the latest. So if you have something you can get to Staff earlier than that, that's wonderful. Sometimes it does take time to, in my experience, sometimes it does take time to, if we get something we have to draft a document or we have to write something, or write a report, and the Staff is, never mind. So the point is the earlier the better to get it in, but the drop-dead would be that Monday, eight days before the Council meeting.

Ms. Moreno: I'm like used to doing it like 24 hours before.

Councilor Valenzuela: I did make a Motion and he Seconded it.

Vice Mayor Lopez: So we will go for a vote.

Councilor Flagg: Yeah.

Vice Mayor Lopez: So are we in agreement that we agree as to the time schedule that needs to be submitted?

Acting Mayor Rogers: I won't vote on that at all.

City Attorney Paladini: That's not a motion, that's more practice and policy.

Vice Mayor Lopez: Right.

City Attorney Paladini: Ultimately, I'll say this, that's really generous to people to submit items on that Monday of the week preceding the Tuesday Council meeting. In most places it would be Friday, the week prior to that, so I think your City Manager is too nice to people to squeeze it in. So just so it's clear, a motion would effectively allow, the vote would effectively allow one Councilmember or the Mayor to put an item on the agenda, or the Manager or Attorney could put it on the agenda as long as it has the agreement by one Councilmember.

Ms. Moreno: And I also want to be respectful to the Attorney's time because he needs to review it, too.

Councilor Flagg: Yeah.

Ms. Moreno: So that's part of the time, reviewing these things. He needs time to review it, look at it, as well, or his Staff.

Councilor Valenzuela: Do you want to make it official, and should we make a motion to have that as a policy or do you suggest just leave it as is.

City Attorney Paladini: In terms of submittal times, I wouldn't do that because I would leave that to the Staff to make that decision.

Vice Mayor Lopez: Right.

City Attorney Paladini: Because if she needs to back it up a day or two days, she's just going to do that, especially if you get more and more items on the agenda, it takes longer for her to review and put that together. And also, you want to be able to get that packet out as the Manager, so the public has time to not just look at the agenda but look through the documents and things so they're full aware also. That's the whole point of the open meeting is to publish and track what is going on.

Councilor Flagg: Move on this.

Vice Mayor Lopez: So we can vote on this, and also, I want to make sure that the Mayor has an opportunity to put in his information as to what is being accomplished here tonight, because he did want us to hold it, but we decided to move it forward. So, I would just like to give him an opportunity to discuss the issue with us or included in with whatever we want to do.

Councilor Valenzuela: What do you mean, just send him an email with what was discussed?

Vice Mayor Lopez: We will let him know officially that we discussed this, and we want his input and see what he feels about it. So we will go for the vote for this one.

Vice Mayor Lopez:

Councilor Valenzuela. Aye.

Councilor Flagg. Aye.

Councilor Romero. No.

Acting Mayor Rogers. No.

Councilor Aguirre. Yes.

Vice Mayor Lopez: And I vote Yes.

Ms. Moreno: If I may, Vice Mayor and Attorney, before we adjourn, for commentary just for the record, I want to say out loud, the motion here tonight that passed with the majority vote determined that any agenda items can be placed by any one Councilmember.

Vice Mayor Lopez: Yes.

Councilor Flagg: Yeah.

Ms. Moreno: For purposes of courtesy of preparing the agenda, any item brought forth to the City Manager, the Monday preceding the Tuesday Council meeting.

Vice Mayor Lopez: Right.

Ms. Moreno: Correct?

Vice Mayor Lopez: Ok, I wanted to make a record.

Vice Mayor Lopez: Ok, we're good to go. This Item #12 passes, so now we go into the Study Session.

Ms. Moreno: Actually we need a motion to exit Regular Session and make a motion to convene into Study Session, South Tucson Housing Governing Board.

Vice Mayor Lopez: Would you like to make a motion to get us out of Regular Session and go into Study Session?

Councilor Aguirre: I'd like to make a motion to adjourn the Regular Session.

Councilor Valenzuela: Second.

Vice Mayor Lopez: So we have already made the motion, and now we take a vote on it.

Vice Mayor Lopez:

Councilor Valenzuela. Aye.

Councilor Flagg. Yes.

Councilor Romero. Yes.

Councilor Aguirre. Yes.

Acting Mayor Rogers. Aye.

Vice Mayor Lopez: And I vote Aye, so we are good to go on this presentation.

Enter Housing Authority Governing Board

Ms. Moreno: If I may, once more comment, I'm so sorry to interrupt your time but I would like the record to reflect that Resident Member of the Board, Ms. Adele Ochoa, is also present tonight. She's part of the Housing Board of Commissioners, she's the Resident Board Member here, so

Commissioner Rogers: Yeah, she's a Member, for Housing.

City Attorney Paladini: And just for the record, this is now the Housing Governing Board, Housing Authority for the City of South Tucson.

Ms. Moreno: So Jon and Michelle are on their way back to Scottsdale, Mesa, Phoenix area. They are heading back tonight.

Commissioner Flagg: Where is your office, Jon?

City Attorney Paladini: We have two offices, one in North Scottsdale near the airport, and one out in Mesa, actually near old Falcon Field. For some reason, coincidentally, nobody's a pilot but our office is located next to the airport. Our office is right at the end of the runway at Luke.

Commissioner Flagg: So what city did Justin represent when he was, what area did he represent when he was a State Rep?

City Attorney Paladini: I think somewhere in the East Valley.

Commissioner Flagg: Ok.

Ms. Villegas: Good evening, Commissioners.

Acting Mayor Rogers: Good evening.

Vice Mayor Lopez: Good evening.

Ms. Villegas: I come today very happy that we finally have an Attorney. I would like to thank our Attorney for allowing me to provide him with the information and he was very helpful in helping me put the Resolutions in the right formats. I really appreciate that. So I have before you two Resolutions and I guess you need to make the motion before I discuss them, or do you want me to go ahead?

Commissioner Lopez: I'll go ahead and read the Resolution, how's that?

(Vice Mayor Lopez read aloud Item #02, Resolution No. 23-002 - presented after 23-001)

Commissioner Aguirre: Mr. Mayor, I think you forgot #1.

Ms. Villegas: Yes, #23-001.

Vice Mayor Lopez: Oh, the wrong one. So let's do this again.

ITEM #01 - RESOLUTION NO. 23-001 OF THE HOUSING GOVERNING BOARD OF THE CITY OF SOUTH TUCSON, ARIZONA, APPROVING ISSUANCE OF A NOTICE TO PROCEED AND TO ENTER INTO A CONTRACT BETWEEN THE SOUTH TUCSON HOUSING AUTHORITY ("STHA") AND ATI RESTORATION, LLC ("ATI") TO RENOVATE ELEVEN APARTMENTS AT THE COST OF \$717,230.75, AND AUTHORIZING THE CITY OF SOUTH TUCSON HOUSING AUTHORITY DIRECTOR TO ENTER INTO SAID CONTRACT

Ms. Villegas: Thank you. This is a long-awaited notice to proceed for the contractor that was selected under a HUD required sealed bid process, and as I said, as you read it in the document, we went out to bid twice. The first time no one bid, so we had to go out and bid again, and the second time we got one bid, even though we had three contractors come to the pre-bid conference, none of them bid the first time. And the second time, the one person that did show up, is the one that bid. So, the reasons that they gave us is just they were too busy and then they were short staffed because, and the supply and demand, it was taking long to get the materials, so they decided not to apply, the ones that went to that pre-bid conference. So, we were glad to see that ATI Restoration did apply and was successful in meeting the criteria that we need, and HUD needs, to approve on such a big project. They actually have local representation here and they have an office here in Tucson. And they've done restoration work for us before and so, they are very qualified. In fact, they did some of the emergency work initially, but because they did the emergency work it didn't mean they got the whole contract. That was a whole separate process. They apparently hadn't paid attention and didn't get it the first time around, so when they saw it the second time around, when we were calling different construction companies and contractors to try to get them to bid, they were the ones that stepped up. So, they have been waiting for us to provide them with a Notice to Proceed. So what happens next is the Notice to Proceed is for them to get all their subcontractors, to get all their pricing, to get all their insurances and all the required documents so, and then sign a contract with us to move forward. We're still a little bit behind and that's why it's important for us to move forward as quick as possible. And they are ready to go. I've talked to them and let them know I'm hoping that today we will have this approved. So, if there are any questions in regard to the project?

Commissioner Rogers: Just, Mr. Vice Mayor, I address you to talk to her. Could you tell us where you advertised this that we didn't get too many people?

Ms. Villegas: We went through, we had hired a contractor. If you remember, we hired Corky Poster Mirto or McDonald, to do that process for us. And they put it in, normally contractors that are looking for big government contracts, they go to the Daily Territorial. And that's where they published it both times, but then they also went through their networks and put it out there through email as well. And then we advertised it and so that is how it went out.

Commissioner Rogers: Thank you.

Vice Mayor Lopez: Any other questions?

Commissioner Aguirre: I'd like to move that we pass Resolution No. 23-001 as is, to enter into said contract.

Commissioner Valenzuela: Second.

Vice Mayor Lopez: Alright, so we've got a first and a Second, let's take a vote here, real quick here.

Vice Mayor Lopez:

Commissioner Valenzuela. Aye.

Commissioner Flagg. Aye.

Commissioner Romero. Yes.

Commissioner Aguirre. Yes.

Commissioner Rogers. Aye.

Vice Mayor Lopez: Aye. So Resolution No. 23-001 passes.

Commissioner Rogers: Don't forget our lady.

Vice Mayor Lopez: Oh, yes. And how would you like to vote?

Resident Commissioner Ochoa: Yes.

Vice Mayor Lopez: I apologize.

Resident Commissioner Ochoa: That's ok.

Vice Mayor Lopez: We are all in agreement that Resolution 23-001 passes and we all voted yes.

Ms. Villegas: And if I may, I should have done this in the beginning, introduce Adele Ochoa as our Resident Commissioner. She lives in the Bernie Sedley building and she is a retired school teacher, and was able to participate with us and I'm really happy to have her. She's great.

Commissioner Rogers: She makes good brownies.

Vice Mayor Lopez: Yes, she does. Alright, so we will continue on with Resolution No. 23-002.

ITEM #02 - RESOLUTION NO. 23-002 OF THE HOUSING GOVERNING BOARD OF THE CITY OF SOUTH TUCSON, ARIZONA, APPROVING THE INTERGOVERNMENTAL AGREEMENT ("IGA") BETWEEN THE CITY OF TUCSON PUBLIC HOUSING AUTHORITY AND THE CITY OF SOUTH TUCSON PUBLIC HOUSING AUTHORITY RELATING TO ADMINISTRATION OF THE SECTION 8 HOUSING CHOICE VOUCHER PROGRAM ("PROGRAM")

Ms. Villegas: So this is a Resolution for an IGA, Intergovernmental Agreement, between the City of Tucson Public Housing and the City of South Tucson Public Housing. What it does is it allows us, the way we've been in the past is the City of Tucson has their Housing Authority and they have their boundaries, their city boundaries. And then we have the South Tucson Housing Authority, and we have our boundaries. And when it comes to Section 8, Section 8 is really the Housing Choice Voucher Program. And so we have had a hard time using a lot of our vouchers, Housing Choice Vouchers, because there just isn't enough inventory here or landlords willing to take our vouchers. So what happens is, we issue a voucher and then they can't find anything here, but then they go out and find something in the city, which they are allowed to do. At that point what happens then is they have to be ported out, so what happens is we lose that voucher to the city. So we are back to square one in not utilizing our vouchers that we should be utilizing. So when I was talking to the Director of the City of Tucson Housing Authority, she's the one that recommend that we go into an IGA and just not have these boundaries with Section 8. This is only pertaining to Section 8, the Housing Voucher Program. So we have been talking about this, we have been going back and forth about some different verbiage, and their attorneys have gone through the IGA that is before you today. And our Attorney has gone through it and they both agree that it reads according to the law, and according to HUD. And it goes both ways, if they have a voucher and somebody finds a home here, they would be able to keep that voucher and even though it's in South Tucson, they would still be able to keep it and they would be the ones to administer it and keep the funding. The other thing is HUD gives you an administrative fee, but you have vouchers. That's what keeps staff. Right now our staffing level for Section 8 is at the minimum because we just don't have enough funding for another staff person because it has to be self-sustaining and right now it isn't. It's barely, I should say, it is, we've been able to make it work but it's a lot of pressure on the person that does it

because she is also my maintenance supervisor. So, it's been really hard. I'm hoping you read the IGA and if you have any questions before the vote,

Commissioner Flagg: In addition to voting on this, does it make sense to the City of South Tucson to do what Tucson did and that a landlord can't discriminate against people with vouchers? I mean, you know a lot.

Ms. Villegas: I do know that it is being challenged already and the challenge, and I got an update from Liz Morales, and that the city is now looking at the new Attorney General and having her review it and if she says it's ok and it's a go, that was one of my items that I wanted to bring to you for us to do the same thing. But let them go through that process, of the legality, you know, because what happens then we would be in jeopardy of losing the little revenue sharing funding that we get because they couldn't hold funding back from us, the State.

Commissioner Flagg: Yeah.

Ms. Villegas: That's the problem.

Commissioner Flagg: So our hope is that Chris Mayes has a whole different way of looking at it.

Ms. Villegas: Yes, yes. It cuts that mustard seed, or whatever you want to call it.

Commissioner Flagg: Then you should do that.

Ms. Villegas: We know it would be ok for us to do the same thing and I would love to do that.

Commissioner Flagg: Yeah, that would be one more way to gentrify. It's like running after the poor people from South Tucson, so this would be a good thing.

City Attorney Paladini: Mr. Vice Mayor, I think we are getting a little off that topic.

Commissioner Rogers: Gentrification is not the topic.

City Attorney Paladini: That the Tucson city ordinance is not talked about in this particular item.

Commissioner Flagg: Not if we are going to do the same thing.

City Attorney Paladini: Well, it is because it is not on the agenda. The agenda is the agenda. We've got to follow the agenda.

Vice Mayor Lopez: Stay on it.

Commissioner Flagg: I'm fine, I'm done, I'm done.

Vice Mayor Lopez: Are there any more issues, concerns? Alright,

Ms. Moreno: If I could go back to Mayor, Vice Mayor to Councilor Flagg's question.

Vice Mayor Lopez: Sure.

Ms. Moreno: Once Betty mentioned the City of Tucson vetted the process with regard to how rent is paid, then you would bring that back to the South Tucson Governing Board to do the same.

Vice Mayor Lopez: Yes.

Commissioner Flagg: Great.

Ms. Moreno: Just that we will keep you apprised of what is going on through this format. I know if Betty is going to continue having items of the Housing Authority in this setting, I think it would be a good idea rather than having separate meetings, but Betty, it is up to you, Members of the Council to work it out. I know it takes a little while for her but she is required to have one meeting a month which would add more time to these meetings, but I think it's worth your time rather than having another meeting on top of this meeting. It's up to you. Ok, continue, I'm sorry.

Vice Mayor Lopez: That's Ok. Alright, no more questions, no more issues? Let's take it on for a vote.

Commissioner Valenzuela: Did someone make a motion?

Commissioner Rogers: Mr. Vice Mayor, is it No. 23-002?

Vice Mayor Lopez: Yes.

Commissioner Rogers: Ok, so I move the Resolution No. 23-002 of the Housing Governing Board of the City of South Tucson, Arizona, approving the IGA Agreement between the City of Tucson Public Housing Authority and the City of South Tucson Public Housing Authority relating to the administration of a Section 8 Housing Choice Voucher Program, the "Program".

Resident Commissioner Ochoa: Second.

Vice Mayor Lopez: Ok, now that we've got

Commissioner Rogers: The lady Seconded it.

Vice Mayor Lopez: OK, thank you. So now let's go take it on for a vote.

Vice Mayor Lopez:

Commissioner Valenzuela. Yes.

Commissioner Flagg. Yes.

Commissioner Romero. Yes.

Commissioner Rogers. Aye.

Commissioner Aguirre. Aye.

Resident Commissioner Ochoa. Yes.

Vice Mayor Lopez: And I vote Yes. So this Resolution is passed.

Ms. Villegas: Thank you, thank you, and I do want to say, I mentioned this myself earlier, because most of you already know me and I've had a chance to meet with the attorney earlier today. But you know the work I've done in the past and where I'm at now, and that is an area, one of my areas of discussion was going to be when and where the meetings would be held in the future. So, just keep that in mind and if you have not had a chance to take the online class as a Commissioner, I know it's time consuming, but HUD requires it and I have to answer to HUD. Otherwise we've had, when I came in, this Housing Authority was substandard. It's no longer substandard and one of the items on that substandard list was not having my Commissioners all certified. So it's very important. And also, if any of you ever wanted to go to a conference, they do have Commissioner training at some of these conferences that I attend. And so, I can make sure to let you all know and where you would like to attend. We can make that happen.

Commissioner Rogers: Thank you.

Ms. Villegas: The next one is in D.C., in March. Thank you.

Vice Mayor Lopez: Thank you very much. Ok, can I have a motion to get out of the,

Commissioner Flagg: So moved.

Commissioner Aguirre: I'll Second.

Vice Mayor Lopez: Alright. So now can I have a motion to go back into the City Council Regular Meeting?

City Attorney Paladini: You already adjourned the City Council meeting, and you just need to adjourn this meeting.

Vice Mayor Lopez: Thank you.

ITEM #13 - ADJOURNMENT

Vice Mayor Lopez: Should we make a vote for Adjournment?

Councilor Flagg: Yeah. I move it.

Councilor Aguirre: Then I Second it.

Acting Mayor Rogers: We have to vote.

Vice Mayor Lopez: Very good, the meeting is adjourned.

Acting Mayor Rogers: No Seconds. Aye. (Unanimous Ayes).

The meeting adjourned at 8:30 p.m.

Mayor

ATTEST:

Veronica Moreno, City Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Agenda Meeting of the City Council of South Tucson, Arizona, held on the 17th day of January, 2023. I further certify the meeting was duly called and a quorum was present.

Dated this _____ day of _____, 2023.

Veronica Moreno, City Clerk